

## **Deposition of Ashley Hlebinsky**

**Oregon Firearms Federation, Inc., et al. v. Brown, et al.**

**January 20, 2023**



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Oregon Firearms Federation, Inc., et al. v. Brown, et al.

Ashley Hlebinsky

Page 1

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

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OREGON FIREARMS FEDERATION,	)	
INC., et al.,	)	
	)	
Plaintiffs,	)	Case Nos.
	)	2:22-cv-01815-IM
vs.	)	3:22-cv-01859-IM
	)	3:22-cv-01862-IM
KATE BROWN, et al.,	)	3:22-cv-01869-IM
	)	
Defendants.	)	
	)	
MARK FITZ, et al.,	)	VIDEO-RECORDED
	)	VIDEOCONFERENCE
Plaintiffs,	)	DEPOSITION OF
	)	ASHLEY HLEBINSKY
vs.	)	
	)	
ELLEN F. ROSENBLUM, et al.,	)	
	)	
Defendants.	)	*CAPTION
	)	CONTINUES*
KATERINA B. EYRE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
ELLEN F. ROSENBLUM, et al.,	)	
	)	
Defendants.	)	

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DATE TAKEN: JANUARY 20, 2023

REPORTED BY: LORRIE R. CHINN, RPR,  
Washington Certified Court Reporter No. 1902  
Oregon Certified Court Reporter No. 97-0337

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Page 2

DANIEL AZZOPARDI, et al., )  
)  
Plaintiffs, )  
)  
vs. )  
)  
ELLEN F. ROSENBLUM, et )  
al., )  
)  
Defendants. )

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VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION  
OF  
ASHLEY HLEBINSKY

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1:03 p.m.

LAS VEGAS, NEVADA

(All participants appeared via videoconference.)

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TANIA GRANT, VIDEOGRAPHER

Page 4

VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION  
OF ASHLEY HLEBINSKY

## EXAMINATION INDEX

EXAMINATION BY:	PAGE
Mr. Wilson	6
Mr. Pekelis	82
Mr. Williamson	145
Mr. Wilson	149

## EXHIBIT INDEX

EXHIBITS FOR IDENTIFICATION	PAGE
Exhibit 30 Declaration of Ashley Hlebinsky	9
Exhibit 31 NRA Women Ashley Hlebinsky: Historically Speaking	97
Exhibit 32 Testimony of Ashley Hlebinsky, United States Senate, Subcommittee on the Constitution, Committee on the Judiciary, Stop Gun Violence: Ghost Guns, May 11, 2021	101

Page 87

1 Q. Would you agree that in general most  
2 historians recognized in the field as such have Ph.D.s?

3 A. Within the field of firearms study --

4 Q. No, within the --

5 A. -- not necessarily.

6 Q. -- field of history?

7 A. Yes, but I don't believe it's the only thing  
8 that can allow you to have -- to be considered a  
9 historian.

10 Q. Okay. Did you write a dissertation as part of  
11 your master's program?

12 A. I did not. The way that University of  
13 Delaware operated was they preferred research and  
14 writing seminars both years. And so instead we were  
15 able to focus on different topics. I studied armed  
16 feminism and liberal activism in the 1960s and '70s  
17 that involved the use of firearms.

18 Q. So you didn't have to defend a dissertation as  
19 part of that process?

20 A. No.

21 Q. Have you authored scholarly articles in  
22 peer-reviewed history journals?

23 A. I have written a few articles. I've  
24 participated as well in panels that have been  
25 published. One was by the Journal of Technology and

1 A. Sure thing.

2 Q. Could you please describe the methodology that  
3 you used in preparing this declaration?

4 A. How exactly do you mean?

5 Q. Whatever sources and methods and principles  
6 that you applied in order to reach the conclusions that  
7 you arrived at?

8 A. So I took two really specific avenues on that,  
9 so I looked at kind of the evolution of the technology  
10 was one component of that. And then since it was asked  
11 about the laws, I looked into the laws side of it  
12 rather than adding, you know, ancillary subject matter  
13 on it with cultural context.

14 And then I broke it down generally by section  
15 based on the Bruen decision of the Founding Era, second  
16 Founding Era. So I tried to take that component, and  
17 then I tried to separate it into evolution, just what  
18 was there, what wasn't there, and then any laws that I  
19 found in my research that may or may not have had  
20 anything to do with that particular technology.

21 Q. Okay. Would you agree that proper historical  
22 work involves surveying the full array of available  
23 sources and evaluating the reliability of those  
24 sources?

25 A. I would.

1 Q. Did you do this in preparing your declaration?

2 A. I read a lot of different research on it, on  
3 the various subject matters. But then at the same time  
4 I had experience already doing that when I built the  
5 Cody Museum and worked in other collections.

6 Q. Did you --

7 A. So it wasn't just for this deposition, but  
8 I've worked on a lot of different things.

9 Q. Excuse me. Did you survey the full array of  
10 available sources?

11 A. I'm not sure how would categorize the full  
12 array.

13 Q. Well, did you exhaust your efforts to find  
14 sources to potentially provide illuminating and  
15 relevant information about the subject matter?

16 A. Yes. In my research and the amount of time I  
17 had, I went to every -- well, and based on my past  
18 experience with it, yes, I did everything I could to  
19 find what I could; although, timeframes are always  
20 tight on these things. But I did look at an array of  
21 sources.

22 Q. Did time constraints prevent you from  
23 consulting potentially relevant sources that you might  
24 otherwise have probed?

25 A. There can always be more information for you



Page 129

1 Q. And Duncan is cited in footnote 34?

2 A. Yes.

3 Q. Okay. And that's the district court's  
4 decision in Duncan from 2019?

5 A. I believe so, yes.

6 Q. Any other sources that you relied on for that  
7 proposition?

8 A. I did see it in -- I believe I saw it also in  
9 Johnson, et al., in their section on powder  
10 regulations. I believe it's in there as well.

11 Q. And Johnson, et al., you're referring to the  
12 citation in footnote 31, which is a law school  
13 casebook?

14 A. Correct.

15 Q. Okay. Well, let's take Duncan first. Do  
16 historians typically rely on contemporary judicial  
17 opinions as sources for understanding historical  
18 events?

19 A. I think that's up to the person. A lot of  
20 times with that it's coming from experts. So if it was  
21 a place where I could find something that was a  
22 succinct analysis of it and then I saw the laws on the  
23 Duke site, then, yes, I would use it.

24 Q. Okay. It's a secondary source, you agree?

25 A. Correct.

1 Q. Probably several steps removed from the  
2 original source, whatever it's relying on, you would  
3 agree?

4 A. Correct.

5 Q. In this case the Duncan decision was reversed  
6 by the Court of Appeals. Were you aware of that when  
7 you cited it?

8 A. I wasn't aware of all of the different  
9 components of it. I know it went through, and then I  
10 know it went up, and now it's back down for evaluation.

11 Q. Right. So the fact that that decision was  
12 actually vacated or reversed, does that cause you any  
13 concern with relying on this as an assertion?

14 A. Not necessarily.

15 Q. Why not?

16 A. Because just because the overarching argument  
17 created by one side may have had -- may have been  
18 reversed for specific reasons, it doesn't mean that's  
19 one of them.

20 Q. Let's go to paragraph 26. This is on the next  
21 page, page 19. And you write, "In summary, at the time  
22 of the Founding Era, laws about firearms restriction  
23 were regularly directed towards groups of people rather  
24 than the firearms themselves."

25 Do you see that?

## REPORTER'S CERTIFICATE

I, LORRIE R. CHINN, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the sworn testimony and/or remote proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn remotely to testify to the truth; that the sworn testimony and/or remote proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or remote proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

Reading and signing was not requested pursuant to FRCP Rule 30(e).

WITNESS MY HAND AND DIGITAL SIGNATURE this 26th day of January, 2023.




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